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CHARLES ELMORE

IN THE

SUPREME COURT

OF THE

UNITED STATES

OCTOBER 1935 TERM

No. 544

THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, a Corporation, *Appellant,*

vs.

THE TAX COMMISSION OF THE STATE OF WASHINGTON, and T. S. HEDGES and T. M. JENNER, as Members of the Tax Commission of the State of Washington, *Appellees.*

No.....

GREAT NORTHERN RAILWAY COMPANY, *Appellant.*

vs.

STATE OF WASHINGTON, *Appellee.*

No. 529

NORTHERN PACIFIC RAILWAY COMPANY, *Appellant.*

vs.

STATE OF WASHINGTON, *Appellee.*

Appeals From the Supreme Court of the State of Washington

APPELLEES' MOTION TO ADVANCE CASES ON CALENDAR

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STATE PRINTING PLANT, OLYMPIA, WASH.

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APPELLEES' MOTION TO ADVANCE CASES ON CALENDAR

Come now the Appellees in each of the above appeals and move the court for an order advancing the date of argument of each such appeal to the first available date after the record therein will have been printed and in the hands of both parties for a period of thirty days, and that said appeals be heard *seriatum.*

This motion is based upon the files and records in the above causes and upon the affidavit and stipulation hereto attached.

G. W. HAMILTON,
Attorney General of the State of Washington,

R. G. SHARPE,
Assistant Attorney General of the State of Washington,

Attorneys for Appellees in each of above appeals.

SUPPORTING AFFIDAVIT

STATE OF WASHINGTON, }
County of Thurston. } ss

R. G. SHARPE, being first duly sworn, on oath, deposes and says: That affiant is one of the assistants of the attorney general of the state of Washington, and as such is now, and at all times since their inception has been, one of the attorneys for the appellees in each of the above entitled cases. That the decisions by this court of these three appeals will be determinative of the validity of Chapter 191, Laws of Washington for 1933, and of Chapter 180, Laws of Washington for 1935, imposing an occupational tax measured by percentages of gross intrastate income, in so far as the same apply to interstate railroad and telephone companies, and that the amount of such disputed taxes which have already accrued now exceeds a million dollars, and such accruals are increasing by approximately $50,000.00 per month, and that said decisions will likewise have an important bearing upon the validity of said Revenue Acts in so far as the same affect other taxpayers thereunder. That no part of said disputed taxes have been paid, and it is therefore of vital importance to the state of Washington that each and all of said appeals be set down for argument at the earliest date possible. That the transcript of the record in each of said appeals is now on file with the clerk of this court, and the portions of the record to be printed have been duly designated by both parties to each such appeal. That said appeals involve substantially the same questions of law, and should be argued *seriatum*.

R. G. SHARPE,

SUBSCRIBED AND SWORN TO before me this 7th day of November, 1935.

JENNIE M. TATTERSALL,
Notary Public in and for the State of Washington, residing at Olympia.

STIPULATION

IT IS HEREBY STIPULATED AND AGREED by and between the respective parties to the above entitled appeals that the date of argument of each such appeal may be advanced to the first available date after the record in each such appeal will have been printed and in the hands of both parties thereto for a period of thirty days.

Dated this 8th day of November, 1935.

THOMAS BALMER, EDWIN C. MATTHIAS and F. G. DORETY,
Attorneys for Appellant, Great Northern Railway Company.

D. F. LYONS, L. B. DAPONTE and ROBERT S. MACFARLANE,
Attorneys for Appellant, Northern Pacific Railway Company.

MCMICKEN, RAMSEY, RUPP & SCHWEPPE,
Attorneys for Appellant, Pacific Telephone and Telegraph Company.

G. W. HAMILTON, and R. G. SHARPE,
Attorneys for Appellees in Each of Above Appeals.

Due and timely of the within motion by receipt of a true copy thereof, acknowledged this 8th day of November, 1935.

THOMAS BALMER, EDWIN C. MATTHIAS and F. G. DORETY,
Attorneys for Appellant, Great Northern Railway Company.

D. F. LYONS, L. B. DAPONTE and ROBERT S. MACFARLANE,
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